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E-filed 5/6/05

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18 UNITED STATES DISTRICT COURT

19 NORTHERN DISTRICT OF CALIFORNIA

20 SAN JOSE DIVISION

21 HEWLETT-PACKARD COMPANY,
22 HEWLETT-PACKARD DEVELOPMENT
23 COMPANY, L.P., COMPAQ
24 COMPUTER CORPORATION,

25 Case No: C 02-04709 JF (HRL)

26 **STIPULATION FOR DISMISSAL OF ACTION
27 WITH PREJUDICE (FRCP RULE 41) AND
28 ORDER THEREON**

29 Plaintiffs/Counterdefendants,

30 v.

31 EMC CORPORATION,

32 Defendant/Counterclaimant.

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1 Plaintiffs/Counterclaim Defendants Hewlett-Packard Company, Hewlett-Packard
2 Development Company LP, and Compaq Computer Corporation and Defendant/Counterclaimant
3 EMC Corporation, through their respective counsel of record, hereby stipulate as follows:

4 1. This action and all claims and counterclaims asserted therein are dismissed with
5 prejudice;
6 2. Each party shall bear its own costs and attorney's fees; and
7 3. This Stipulation shall be made an Order of the Court.

8
9 Dated: May 3, 2005

10 BARTLIT BECK HERMAN PALENCHAR &
11 SCOTT LLP

12 By /s/ Christopher D. Landgraff /s/
13 Christopher D. Landgraff
14 Attorneys for Plaintiffs/Counterdefendants

15 Dated: May 3, 2005

16 ORRICK, HERRINGTON & SUTCLIFFE LLP

17 By /s/ Todd M. Briggs /s/ for
18 Chris R. Ottenweller
19 Attorneys for Defendant/Counterclaimant

20 I, Todd M. Briggs, am the ECF User whose identification and password are being
21 used to file this Stipulation for Dismissal of Action with Prejudice (FRCP 41) and [Proposed]
22 Order Thereon. Pursuant to General Order 45.X.B, I hereby attest that Christopher D. Landgraff
23 of Bartlit Beck Herman Palenchar & Scott LLP, counsel for Hewlett-Packard Company, Hewlett-
24 Packard Development Company, L.P., and Compaq Computer Corporation, has concurred in this
25 filing.

26 By /s/ Todd M. Briggs /s/
27 Todd M. Briggs

ORDER

On the stipulation of the parties and good cause appearing therefor,

3 IT IS ORDERED that this action (Case No: C 02-04709 JF (HRL)) and all claims
4 and counterclaims asserted therein are dismissed with prejudice. Each party shall bear its own
5 costs and attorneys' fees.

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8 Dated: 5/6/05

/s/electronic signature authorized

The Honorable Jeremy Fogel
United States District Judge